REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-17. Claims 1-15 are amended herein. No new matter is presented. Support for the amendments can be found at least on page 7 line 9-16, and Figs. 1, 9, 10, 11 including corresponding texts of the Specification as filed.

Thus, claims 1-17 are pending and under consideration. The rejections are traversed below.

OBJECTION TO THE CLAIMS:

On page 2 of the Office Action the Examiner objected to claims 1-6 and 11-15 as being unclear. By this Amendment, pertinent claims have been amended, and no longer include the language in the form objected to by the Examiner.

Therefore, withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 101:

Claims 1, 6 and 15 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 6 and 15 are amended herein.

The claims recite "a computer" and "a storage apparatus" which are within at least one of the enumerated categories of patentable subject matter recited in § 101.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

A.	Claims 1-3, 5, 11, 13 and 15-16 as being unpatentable over U.S. Patent No. 6,587,847 (Stier) in view of U.S. Patent No. 6,161,017 (Britt).

Stier does not teach or suggest measuring "an input number of search conditions input during a period from a start to an end of a search processing requested by a user" and "requests the user to input information on the problem occurring during the search processing as a know-how message...", as recited in claim 1. See also claims 11, 13 and 15.

In contrast to the claimed invention, Stier explicitly states "When the agent 13 recognizes that her query represents missing, incorrect, or incomplete knowledge in the knowledge base, before saving the interaction, she may create a memo outlining the problem with the knowledge base" (see, col. 8, lines 57-63). However, Stier does not teach or suggest supporting a user in

recognizing that the query represents missing, incorrect, or incomplete knowledge and thus does not teach or suggest "requesting... the user to input information" including at the occurrence of a problem, as taught by the claimed invention.

Stier discusses collection of data (knowledge base) which can be accessed by an agent and searched through to identify a likely cause of a problem and resolution (see, col. 8, lines 15-32). In other words, Stier is directed to mere collection of data and does not assist a user in identifying a problem by measuring the number of "search conditions input during a search processing" and "requesting the user to input information on the problem occurring during the search processing as a know-how message...", as recited in claims 1, 11, 13 and 15.

The Examiner asserts that the query counter (401) in Figs. 8-9 of Stier teaches the claimed measuring of input number of search conditions. However, the query counter in Stier merely stores the total number of queries over a selected period of time and not "search conditions" of a search processing, as recited in claims 1, 11, 13 and 15.

As discussed above, claims 1, 11, 13 and 15 patentably distinguishes over Stier. Further, as Britt merely discuses prioritizing queries and salvaging a call if a chosen query does not return a useful result, Britt does not cure the deficiencies of Stier regarding claims 1, 11, 13 and 15 of the present application.

Britt does not teach or suggest "a unit which determines that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a threshold value", as recited in claims 1, 11, 13 and 15 of the present application. Instead, Britt overwrites a default preference of a particular query if an error threshold is exceeded and begins sending an alternate query (see, Fig. 2 including steps 21-31).

Stier and Britt do not teach or suggest the claimed features including measuring an input number of "search conditions" input during a period from a start to an end of "search processing requested by a user" and "requesting" or prompting the user to input information on "the problem occurring during the search processing as a know-how message when determining that the problem has occurred", as recited in claims 1, 11, 13 and 15.

Therefore, withdrawal of the rejection is respectfully requested.

B.   Claims 6-8, 10, 12, 14 and 17 as being unpatentable over Stier in view of "Finding and Fixing Troublesome Long-Running Ingres Queries" (Schmidt).

Stier does not teach or suggest measuring "a necessary time taken from a start to an end of search processing requested by a user", as recited in claim 6 (see also claims 12 and 14

reciting similar features). Instead, the turnaround time metric in Stier refers to the time elapsed from the time a suggestion is made for new knowledge to be incorporated into the knowledge base until the time of availability of the new knowledge in the knowledge base (see, Fig. 13 including corresponding text).

Schmidt does not add anything to Stier with respect to the claimed invention. In particular, Schmidt only discusses listing all sessions of a server and indicating which of the queries have been running over a wait interval time (see, page 2, section labeled "system"). There is nothing in Schmidt that discusses determining "a problem" has occurred in association with a particular "search processing when the necessary time measured at the end of the search processing exceeds a threshold value", as recited in claim 6. See also claims 12 and 14.

Stier and Schmidt do not teach or suggest a system and method that determines "a problem occurs during the search processing when the necessary time measured at the end of the search processing exceeds a threshold value" and "requests the user to input information on the problem occurring during the search processing as know-how message, when determining that the problem occurs", as recited in claims 6, 12 and 14.

Therefore, withdrawal of the rejection is respectfully requested.

C.   Claims 4 and 9 as being unpatentable over Stier in view of U.S. Patent Pub. No. 2003/0140030 (Birkhoelzer).

Arguments presented above with respect to claims 1 and 6 are incorporated herein to address the rejection of dependent claims 4 and 9.

Birkhoelzer does not teach or suggest "know-how message [which] is voice data storing uttered contents of the user", as recited in claims 4 and 9. Instead, Birkhoelzer merely discusses a user prescribing voice data with the voice input device where the user computer stores the voice data in a voice datafile (see, paragraph 36). Birkhoelzer is silent regarding "know-how message [which] is voice data", as recited in claims 4 and 9.

Therefore, withdrawal of the rejection is respectfully requested.

DEPENDENT CLAIMS:

Claims depending from the independent claims include all of the features of that a corresponding independent claim plus additional features which are not disclosed by the cited references.

The dependent claims are also independently patentable. For example, as recited in claim 2, "the search conditions input by the user are compared with search conditions stored in the know-how database every time the search conditions are received" and upon a match of "a predetermined number of one or more search conditions, the know-how message associated with the search conditions stored in the know-how database is output to the user."

The cited references, alone or in combination, do not teach or suggest comparing "search conditions" input by the user every time the search conditions are received and when determining there is a match of "a predetermined number of one or more search conditions, the know-how message associated with the search conditions stored in the know-how database is output to the user", as recited in claim 2.

Therefore, withdrawal of the rejection is respectfully requested.

LACK OF MOTIVATION TO COMBINE:

Further, even assuming arguendo that the cited references disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no motivation to combine the cited references. For example, the Examiner stated that the combination of the references would be obvious because the teachings of Britt would have given Stier a way to determine the occurrence of an error after a number of queries have been counted for the benefit of indicating a problem.

MPEP §2143.01 states that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reasoning that leads to a legal conclusion of obviousness. Therefore, as there is no requisite reasoning to combine the references cited by the Examiner, the Applicants respectfully request the withdrawal of the Examiner's §103 rejections.

The record, however, fails to provide the required evidence of a motivation for a person of ordinary skill in the art to perform such modification. While Britt may provide a reason for selecting an alternate destination for receiving a routing number query when determining that an error percentage exceeds a threshold, Stier fails to suggest why a person of ordinary skill in the art at the time of the invention would be motivated to incorporate selection of an alternate destination to receive a query based on prioritization of queries when an error exceeds a threshold such as discussed in Britt.

Further, according to MPEP 2143.01, the modification proposed in the Office Action cannot render the prior art unsatisfactory for its intended purpose. *In re Gordon*, 221 USPQ

1125 (Fed. Cir. 1984). In this case, even assuming, *arguendo*, that the teachings of <u>Stier</u> and <u>Britt</u> could be combined, the suggested combination would result in collection of a full range of information and overwriting a query indicated to take precedence when an error percentage exceeds a specified amount. The intended purpose of <u>Stier</u> is to collect information and make it available for searching by the agent. It is not possible to develop a knowledge base system by collecting information and overwriting (i.e., replace a query with an alternate query) when ever an error threshold is exceeded, as asserted in <u>Stier</u> at col. 5, lines 50-58).

Even assuming the references can be combined, the claimed invention is patentably distinguishable over the resulting combination for the reasons detailed above.

ENTRY OF AMENDMENT:

Applicants respectfully request entry of amendments to the claims because the amendments were made to clarify feature(s) in the claims and do not introduce significant changes that would require a further search.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 05/21/2008

By: _Temnit Afework_

Temnit Afework
Registration No. 58,202

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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